

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

ANGEL DOMINGUEZ,	§	No. 5:23-CV-1232-DAE
	§	
Plaintiff,	§	
	§	
vs.	§	
	§	
MUNICIPAL CREDIT SERVICE	§	
CORP.,	§	
	§	
Defendant.	§	
_____	§	

ORDER ADOPTING REPORT AND RECOMMENDATION OF THE  
MAGISTRATE JUDGE AND GRANTING MOTION FOR DEFAULT  
JUDGMENT

Before the Court is a Report and Recommendation (“the Report”) (Dkt. # 16) submitted by United States Magistrate Judge Henry J. Bemporad. After reviewing the Report, the Court **ADOPTS** Judge Bemporad’s recommendations and **GRANTS** Plaintiff Angel Dominguez’s Motion for Default Judgment. (Dkt. # 11.)

The facts preceding this Order are laid out in Judge Bemporad’s Report. (See Dkt. # 16.) In his Report, Judge Bemporad notes that default was entered against Defendant, Defendant is neither a minor nor incompetent, Defendant is not in military service, and that Defendant was served with notice of the motion for default judgment. (Id. at 4.) Additionally, Judge Bemporad

determined that Plaintiff made a prima facie showing of jurisdiction under 28 U.S.C. §§ 1331 and 1367 based on the allegations in the complaint. (Id. at 4.) As a result, Judge Bemporad concluded that Plaintiff was entitled to default judgment. (Id.) Next, Judge Bemporad determined that all requested damages should be awarded, including \$899.00 in actual damages, \$506.65 in costs, \$2,325.00 in attorney's fees, and post-judgment interest pursuant to 28 U.S.C. § 1961(a).

Objections to the Report were due within 14 days after being served with a copy. Where, as here, none of the parties objected to the Magistrate Judge's findings, the Court reviews the Report for clear error. United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir. 1989). After careful consideration, the Court adopts the Magistrate Judge's Report. The Court finds the Magistrate Judge's conclusion that default judgment should be entered is neither clearly erroneous nor contrary to law. Although Plaintiff has notified the Court that judgment has already been satisfied, the Court will still enter the default judgment. (Dkt. # 18.)

Accordingly, the Court **ADOPTS** the Magistrate Judge's Report and Recommendation (Dkt. # 16) as the opinion of the Court and **GRANTS** Plaintiff's Motion for Default Judgment.

**IT IS SO ORDERED.**

**DATE:** San Antonio, Texas, April 2, 2024.

